

**TOWN OF BENNETT, COLORADO  
BOARD OF TRUSTEES  
Regular Meeting  
May 11, 2021**

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**1. CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, May 11, 2021 via hybrid meeting. Mayor Royce Pindell called the meeting to order at 7:06 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darvin Harrell  
Whitney Oakley  
Rich Pulliam  
Denice Smith  
Donna Sus  
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*  
Rachel Summers, *Deputy Town Administrator*  
Taeler Houlberg, *Assistant to the Town Administrator*  
Alison Belcher, *Assistant Communications Director*  
Dan Giroux, *Town Engineer*  
Melinda Culley, *Town Attorney*  
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Ken Guckenberger, Alan Matlosz

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Royce Pindell.

### 3. APPROVAL OF AGENDA

MAYOR PRO TEM HARRELL MOVED, TRUSTEE VITTUM SECONDED to approve the agenda as presented.  
The voting was as follows:

YES: Oakley, Pindell, Pulliam, Smith, Sus, Vittum, Harrell

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

### 4. CONSENT AGENDA

MAYOR PRO TEM HARRELL MOVED, TRUSTEE SUS SECONDED to approve the consent agenda as presented.

YES: Pindell, Pulliam, Smith, Sus, Vittum, Harrell, Oakley

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

A. Action: Approval of April 27, 2021 Regular Meeting Minutes.

### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

### 5. REGULAR BUSINESS

#### A. Action/Discussion

#### 1. Supplemental Ordinance No. 725-21 of the 2021 Certificate of Participation Issuance Ordinance No. 723-21

Danette Ruvalcaba, reported Finance and Technology Director, reported to the Board of Trustees, Ordinance 723-21 was approved by the Trustees on April 13, 2021, authorizing the 2021 Certificate of Participation Issuance with Stifel, Nicolaus & Company, to finance the construction of the Public Works North Municipal Complex and refinance the current debt for Town Hall.

On April 15th, the Town received an Insurance Commitment from Assured Guaranty Municipal Corp. to provide an insurance policy to insure the Certificates of Participation and a Municipal Bond Debt Service Reserve Fund. As is standard for Certificates of Participation Insurance that include a parcel of land, the Site Lease for the issuance must extend ten years past the bond term to allow for remedy in the event of default.

If the Town wishes to accept the Insurance Commitment, by enacting the Supplemental Ordinance, the Site Lease approved in Ordinance 723-21 will be extended to December 1, 2055. If no default occurs the lease will terminate upon full payment of the debt.

TRUSTEE SMITH MOVED, TRUSTEE VITTUM SECONDED to approve Supplemental Ordinance No. 725-21 - An Ordinance Supplementing Ordinance No. 723-21 Authorizing the Execution and Delivery of a Site Lease, a Lease Purchase Agreement, a Certificate Purchase Agreement, a Continuing Disclosure Certificate, a Reserve Account Contract and Certain Other Documents Relating Thereto; Accepting the Insurance Commitment, the Municipal Bond Debt Service Reserve Commitment and Terms Associated Therewith and Providing the Effective Date of this Ordinance. The voting was as follows:

YES: Pulliam, Smith, Sus, Vittum, Harrell, Oakley, Pindell

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

## **2. Bennett Lodging, Ltd. Second Amendment to Public Improvements Reimbursement and Tax Rebate Agreement**

Rachel Summers, Deputy Town Administrator, reported to the Board of Trustees, on January 29, 2019 the Board approved Ordinance No. 693-19 approving the Public Improvements Reimbursement and Tax Rebate Agreement between the Town of Bennett and Bennett Lodging, Ltd. The agreement was related to the Developer's construction and completion of a Comfort Inn & Suites hotel. Additionally, the Board approved the First Amendment to the Reimbursement Agreement on dated September 22, 2020 providing that if the Developer fails to obtain a certificate of occupancy for the Hotel on or before June 30, 2021, then the Reimbursement Agreement shall terminate, and no payments shall be due or paid by the Town to the Developer.

The Hotel is progressing but has been faced with unexpected material, labor and weather delays. Mr. Bruce Rahmani, Colorado Hospitality Services, Inc., has requested a six-month extension estimating the Hotel's opening in August or September 2021.

The Second Amendment to the Agreement would extend the termination date of the Agreement to December 31, 2021.

Mr. Rahmani has received a stock of building material for the Hotel and he is confident the Second Amendment to the Agreement will be sufficient time to complete the Hotel allowing for the certificate of occupancy.

Trustee Pulliam reported he is in favor of the Second Amendment of the Agreement, and expressed empathy, but also provided a reminder to the Trustees the Board approved the First Amendment to the Agreement to incentivize early performance for the product. The deadline of September 2020 has not been met, therefore the Town is losing revenue because the Hotel didn't perform early as was intended. This new deadline is a hard deadline to meet.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE OAKLEY SECONDED to approve Ordinance No. 726-21 - An Ordinance Approving a Second Amendment to Public Improvements Reimbursement and Tax Rebate Agreement with Bennett Lodging, Ltd. The voting was as follows:

YES: Smith, Sus, Vittum, Harrell, Oakley, Pindell, Pulliam

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

## **6. TOWN STAFF REPORT**

### **Town Clerk**

Christina Hart, Town Clerk reported on the following:

- Summarized the Clerk's and Court strategic plan department update.
  - Department Process and Procedures
  - Court Procedural Updates
  - Department Wide Work Standards
  - Town Records
  - Liquor Licensing
  - Document Recording

## **7. TOWN ADMINISTRATOR REPORT**

### **Town Administrator**

Trish Stiles, Town Administrator reported on the following:

- Clean-up day scheduled June 19, 2021 at the landfill in Bennett.
- May 19, 2021 from 5:30 p.m. – 6:30 p.m. Engage, Shape, Build at the Bennett Community Center. Masks will be required and hand sanitizing stations will be available.
- Bennett High School graduation parade scheduled on May 23, 2021.
- The Muegge House construction is moving forward. The foundation and footers were able to be secured.
- Staff is working through various Intergovernmental Agreements (IGA) as they relate to the Bennett Recreation District. Begin communications to get those "cleaned up".
- Ms. Stiles had a wonderful vacation.
- Hybrid board retreat June 4, 2021.
- Schedule on track for the design for signalization for Marketplace Drive.
- Mr. Johnson attended a kick-off meeting with CDOT for Exit 304.

## **8. TRUSTEE COMMENTS AND COMMITTEE REPORTS**

### **Larry Vittum**

Trustee Vittum reported on the following:

- Attended Department of Regional Council of Government (DRCOG) on April 21<sup>st</sup>.
- Attended the Adams County Transportation Forum with Ms. Stiles on April 28<sup>th</sup>.
- Herb Atchison, Mayor of Westminster recently resigned. Mr. Atchison was a huge supporter of the Town of Bennett.

**Rich Pulliam**

Trustee Pulliam reported on the following;

- Reminded the Board of Trustees he will be resigning his Trustee seat in the very near future; talk to you neighbors about the opportunity to serve the Town of Bennett.

**Darvin Harrell**

Mayor Pro Tem Harrell reported on the following;

- Will the fire department test the tornado siren? Mayor Pindell reported he will mention the testing at the Bennett Watkins Fire Department during their next board meeting.
- Trees have been removed from Trupp Park.

**Royce Pindell**

Mayor Pindell reported on the following;

- Congratulations to Herb Atchison, Mayor of Westminster, on his retirement.
- Attended the Mayors and Commissioners Youth Awards; always an honor. Thank you to the Bennett School District for their assistance.
- Attended Arapahoe County Mayors and Managers meeting.
- Thanked the Trustees and staff for the hybrid meeting opportunity.
- Can an additional security light and/or security cameras be installed at Trupp Park?

**9. ADJOURNMENT**


TRUSTEE VITTUM MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The meeting was adjourned at 8:00 p.m. Voting was as follows:

YES: Sus, Vittum, Harrell, Oakley, Pindell, Pulliam, Smith

NO: None

The Mayor declared the motion carried by unanimous vote.

DocuSigned by:  
  
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Christina Hart, Town Clerk

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Royce D. Pindell, Mayor